IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 30712 of 2006(F)

PETITIONER:

JOSE V.FRANCIS,
CONTRACTOR, VALIAPARAMBIL, KALOOR, KOCHI-17.

BY ADV. SRI.S.SANTHOSH KUMAR

RESPONDENTS:

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1. THE KERALA WATER AUTHORITY,
REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER,
PUBLIC HEALTH DIVISION, KERALA WATER AUTHORITY,
KOCHI-16.

3. THE CORPORATION OF KOCHI,
KOCHI, REPRESENTED BY ITS SECRETARY

BY ADV. SRI.K.ANAND, SC, COCHIN CORPN.
SRI.M.DINESH, SC
SRI. S.RAMESH BABU, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 30712 of 2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF LETTER NO.A1-1073/03 DATED 19.5.04 of the 2ND RESPONDENT TO THE PETITIONER.

EXT.P2- TRUE COPY OF LETTER DATED 18.11.2005 OF THE 2ND RESPONDENT TO THE 3RD RESPONDENT

(TRUE COPY)

P.A TO JUDGE

S.SIRI JAGAN, J

W.P.(C).No. 30712/2006

Dated this 26th day of June, 2007

JUDGMENT

The petitioner has entered into a contract with the Water Authority for execution of certain works. Certain amounts are due as balance payment. The petitioner seeks a direction to the Water Authority to pay the same.

2. The contention of the Water Authority is that the work has been executed through the petitioner by the Water Authority on behalf of the Corporation and as soon as the Corporation deposits the balance amount due, the same would be paid to the petitioner. The Corporation has not so far filed a counter affidavit. I am of the opinion that in so far as the contract is between the petitioner and the Water Authority, the Water Authority cannot ask the petitioner to wait for the money due to him till the Corporation pays the amount. If any amounts are due from the Corporation to the Water Authority, it is for the Water Authority to seek their remedies against them.

3. In the above circumstances, Water Authority is directed to pay the balance amount due to the petitioner

within a period of one month from today. However, it would be open to the Water Authority to realise the same from the third respondent, Corporation. The petitioner seeks a direction to pay interest on the amount also. The question of interest is left open which the petitioner may agitate before the appropriate forum.

This Writ Petition is disposed of as above.

S.SIRI JAGAN
JUDGE

mrcs